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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

IRENE PANG,

Plaintiff and Appellant,

v.

CALIFORNIA HIGHWAY PATROL
et al.,

Defendants and Respondents.

B215796

(Los Angeles County
Super. Ct. No. KC054429)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Peter J. Meeka, Judge. Affirmed.

Irene Pang, in pro. per., for Plaintiff and Appellant.

Edmund G. Brown, Jr., Attorney General, David S. Chaney, Chief Assistant
Attorney General, James M. Schiavenza, Assistant Attorney General, Pamela J. Holmes
and Elizabeth G. O'Donnell, Deputy Attorneys General, for Defendants and
Respondents.

Irene Pang appeals from the judgment (order of dismissal) following the order sustaining a demurrer to her lawsuit without leave to amend. The following appears from the allegations in her complaint. Appellant was arrested at a state office building by California Highway Patrol (CHP) officer David Yauo on April 25, 2007. Officer Yauo transported her to a CHP substation, then, due to her behavior, transported her to the University of Southern California Medical Center, where she was placed on a 72-hour hold pursuant to Welfare and Institutions Code section 5150.¹ She was then taken to the Penn Mar Therapeutic Center in El Monte, and was a patient there until June 6, 2007.

In the meantime, her car had been impounded by the El Monte Police Department and taken to a tow yard by Albert's Towing. The property she had in the car also was impounded. Appellant retrieved her vehicle and other property, but had to have the car keys repaired, change the locks on the car, and have her battery repaired. She brought a civil action against Officer Yauo, "his Associates" and the CHP. The complaint was for discrimination, misconduct, torts, and products liability.

Prior to filing the lawsuit, appellant filed a timely claim with the Victim Compensation and Government Claims Board (VCGCB). The claim was filed on August 7, 2007. In it, appellant sought damages for injuries to herself and for loss or damage to her property. As required by Government Code section 913, subdivision (b) (all further code citations are to this code), the notice of denial included a specific warning that, "[s]ubject to certain exceptions, you have only six months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim," citing section 945.6. The warning also advised that appellant may wish to seek the advice of an attorney of her choice, and that if she desired to consult an attorney she should do so immediately.

The cited statute, section 945.6, subdivision (1), provides in substance (with exceptions not applicable to this case) that suit must be brought "not later than six months

¹ Counsel for respondent has advised the court that no record can be found of an officer named David Yauo and that no appearance has been made on behalf of any respondent party other than the CHP.

after the date such notice is personally delivered or deposited in the mail.” The term, “such notice” refers to the notice of denial of a claim by the appropriate governmental agency, in this case, the VCGCB. Although appellant filed a timely notice of claim with that agency, her lawsuit was not filed until December 3, 2008, a date more than six months after mailing of notice of rejection of her claim.

Respondent demurred to the lawsuit on several grounds, including failure to file suit within the six-month period as required by the statute. After hearing, the trial court sustained the demurrer without leave to amend “for the reasons stated in the moving papers. In particular, defendant has shown that plaintiff’s claims are barred by the applicable statute of limitations, Govt. Code Section 945.6.”

That statute governs the outcome of this appeal. “The deadline for filing a lawsuit against a public entity, as set out in the government claims statute, is a true statute of limitations defining the time in which, after a claim presented to the government has been rejected or deemed rejected, the plaintiff must file a complaint alleging a cause of action based on the facts set out in the denied claim.” (*Shirk v. Vista Unified School Dist.* (2007) 42 Cal.4th 201, 209 [citing section 945.6 and other authority].) The same period applies with respect to actions against a public employee, such as the person alleged as Officer Yauo. (§ 950.6, subd. (b).)

It follows that appellant’s lawsuit is barred because it was brought after the six-month limitations period had expired. In light of this conclusion, it is not necessary to discuss the other grounds of the demurrer.

DISPOSITION

The judgment (order dismissing complaint) is affirmed.

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EPSTEIN, P.J.

We concur:

MANELLA, J.

SUZUKAWA, J.